

228-262

3/26/2013

1/9



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

March 26, 2013

George Meindl
Nufarm Americas, Inc.
4020 Aerial Center Pkwy., Suite 103
Morrisville, NC 27560

Subject: Notification per PR Notice 98-10
Tri-Power Selective Herbicide
EPA Reg. No. 228-262
Application Dated March 15, 2013

Dear Mr. Meindl:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 for the subject product. The Registration Division (RD) has conducted a review of this request and finds that the action falls within the scope of PRN 98-10. The label submitted with the application has been date-stamped "Notification" and will be placed in our records.

If you have any questions, please contact Mindy Ondish at (703)605-0723 or at ondish.mindy@epa.gov.

Sincerely,

Mindy Ondish, for

Kathryn V. Montague
Product Manager 23
Herbicide Branch
Registration Division (7505P)



Nufarm Americas, Inc.
George Meindl
Sr. Regulatory Affairs Manager
11901 S. Austin Avenue
Alsip, IL 60803
Phone: 708.377.1423 Fax: 708.377.1425
george.meindl@us.nufarm.com

March 15, 2013

Via Overnight Courier

Kathryn Montague (PM-23)
Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U. S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202

Subject: Tri-Power Selective Herbicide
EPA Reg. No. 228-262
Label notification per PR98-10

Dear Ms. Montague:

California Department of Pesticide Regulations (CDPR) has brought to our attention an issue for when this product is used on woody plants. Instead of saying "control" it should actually say "suppression". This issue has come up as a result of communication between CDPR staff and Nufarm. We have discussed this with CDPR staff and they agree this approach is acceptable. CDPR will not re-register the product in California otherwise.

We believe this change can be made via notification and is consistent with PRN98-10 section II (Labeling notifications). This sentence change can be found on page 5 is highlighted for ease in review. Nufarm certifies that no other changes to the label have been made.

To process this request please find enclosed the following:

- Application for Pesticide Registration (EPA form 8570-1)
- Certification with Respect to Label Integrity
- Revised labeling with areas of change clearly identified (1 copy)
- Revised labeling – clean (1 copy)
- CD containing clean version of the proposed label

Thank you for processing this notification. If you should have any questions regarding this matter, please feel free to contact me at 708.377.1423 or email at george.meindl@us.nufarm.com.

Sincerely,

George Meindl
Sr. Regulatory Affairs Manager
Nufarm Americas, Inc.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. READ ENTIRE LABEL BEFORE USING THIS PRODUCT. USE STRICTLY IN ACCORDANCE WITH LABEL PRECAUTIONARY STATEMENTS AND DIRECTIONS.

This product is for use on Ornamental Turf Lawns (Residential, Industrial and Institutional), Parks, Cemeteries, Athletic Fields and Golf Courses (Fairways, Aprons, Tees and Roughs); also for Woody Plants and Roadsides. Not for use on turf being grown for sale or other commercial use as sod, or for commercial seed production or for research purposes.

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application.

Do not apply more than 3.87 pints of this product (1.5 lbs MCPA ae) per acre per year.

Do not apply more than 2 applications per year.

The minimum retreatment interval of 30 days.

Aerial applications are prohibited.

SPRAY DRIFT MANAGEMENT

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment- and weather-related factors determine the potential for spray drift. The applicator and the grower are responsible for considering all factors when making decisions.

Apply only as medium or coarser sprays (ASAE standard 572) or a volume mean diameter of 300 microns or greater for spinning atomizer nozzles.

Apply only when the wind speed is 2 to 10 mph at the application site.

For ground applications: Do not apply with a nozzle height greater than 4 feet above the crop canopy.

Temperature Inversions

If applying at wind speed less than 3 mph, the applicator must determine if: a) conditions of temperature inversion exist, or b) stable atmospheric conditions exist at or below nozzle height. Do not make applications into areas of temperature inversions or stable atmospheric conditions.

USE PRECAUTIONS

Avoid drift of spray mist to vegetables, flowers, ornamental plants, shrubs, trees and other desirable plants. Do not pour spray solutions near desirable plants. Do not use on Dichondra, nor on lawns or turf where desirable clovers are present. Avoid fine mists. Use lawn type sprayer with coarse spray as wind drift is less likely. Avoid contact with exposed feeder roots of ornamentals and trees. Maximum control of weeds will be obtained from Spring or early Fall applications when weeds are actively growing. Use the higher rate for hard to control weeds. Do not exceed specified dosages for any area; be particularly careful within the dripline of tree and other ornamental species. Do not apply to newly seeded grasses until well established. Avoid broadcast applications when air temperature exceeds 90 degrees. When using small, spot treatment applications in temperature over 90 degrees, turf injury may occur.

When treating Carpetgrass and St. Augustine grass, avoid broadcast applications when air temperature exceeds 80 degrees. When air temperatures exceed 80 degrees, limit application to spot treatment only.

For optimum results: (1) avoid applying during excessively dry or hot periods unless irrigation is used; (2) avoid applying if rainfall is expected within 24 hours, nor should lawns be irrigated (watered) for 24 hours following application; (3) turf should not be mowed 1 to 2 days before and following application; (4) reseed no sooner than 3 to 4 weeks after application of this product. Adding oil, wetting agent, or other surfactant to the spray may be used to increase effectiveness on weeds, but doing so may reduce selectivity to turf resulting in turf damage. Clean and rinse spray equipment using soap or detergent and water, and rinse thoroughly before reuse for other sprays.

This product can be mixed with some liquid fertilizers or liquid iron materials. Because liquid fertilizers and liquid iron differ in pH, free ammonia content, density, salt concentration, and percentage of water, a compatibility test (given below) is recommended prior to mixing in the application equipment. All regulations, either State or Federal, relating to the application of liquid fertilizers or liquid iron and this product must be strictly followed. The following compatibility test should always be performed prior to full-scale mixing.

1. Pour 18 ounces of water into a quart jar.
2. Add 1 ounce of either the liquid fertilizer or liquid iron to be used.
3. Add 1 ounce of this product.
4. Close jar and shake well.
5. Watch the mixture for several seconds after shaking and check again after 30 minutes.
6. If the mixture does not show signs of separating, the combination may be used. If the mixture foams excessively, gels, separates or gets very thick, do not combine for field application.
7. Compatibility may be improved by the use of a compatibility agent. Some suggested compatibility agents to try are: Kalo Laboratories, Complex, Farm Chemicals Inc.'s Compat, Harcros Chemicals' T-Mulz 734-2, Rigo Company's Rigo Compatibility Agent, Witco Chemical's Sponto 1 68D, Amoco Oil's Amoco Spray Mate and Universal Coop's Chem-Link. These agents are all used in the same manner. Follow the previously outlined test procedures and add 1/6 ounce of the compatibility agent between steps (the compatibility agent must be added to the fertilizer or iron before adding this product).
8. If the mixture does not separate, gel, foam or get very thick, it may be used for field application. Mix only the amount to be sprayed. Do not allow to stand overnight.

WEEDS CONTROLLED

Bedstraw	Dog fennel	Lespedeza	Red clover	Wild carrot
Bindweed	English daisy	Mallow	Red sorrel	Wild garlic
Black medic	Florida pusley	Morningglory	Sheep sorrel	Wild geranium
Buckhorn	Frenchweed	Mustard	Shepherdspurse	Wild lettuce
Burdock	Goldenrod	Oxalis	Smartweed	Wild onion
Buttercup	Ground ivy	Pennywort	Speedwell	Wild radish
Canada thistle	Hawkweed	Peppergrass	Spurge	Wood sorrel
Carpetweed	Healall	Pepperweed	Spurweed	Yarrow
Chickweed	Heartleaf drymary	Pigweed	Stinging nettle	and many other
Chicory	Henbit	Plantain	Stitchwort	broadleaf weeds.
Clover	Jimsonweed	Poison ivy	Thistle	
Cocklebur	Knotweed	Poison oak	Toadflax	
Dandelion	Kochia	Purslane	Veronica	
Dock	Lambsquarter	Ragweed	Wild aster	

ORNAMENTAL LAWNS AND TURFS

Cool Season Grasses: Apply this product at the rate of 2.5 to 3.87 pints in 20 to 240 gallons of spray solution per acre (0.9 to 1.5 fluid ounces in 0.5 to 4 gallons of water per 1,000 square feet) to control (or kill) weeds growing in ornamental lawn turf planted to Kentucky bluegrass, Perennial ryegrass, Tall fescue or Fine fescue.

Warm Season Grasses: Apply this product at the rate of 2 to 3 pints in 20 to 240 gallons of spray solution per acre (0.7 to 1.1 fluid ounces in 0.5 to 4 gallons of water per 1,000 square feet) to control weeds growing in Bermudagrass or Zoysiagrass. Applications to other grass species including Bahiagrass, Kikuyugrass, Buffalograss, Centipedegrass, Carpetgrass, or St. Augustinegrass should be avoided unless injury can be tolerated. Avoid applications to warm season grasses emerging from Winter dormancy unless a slight delay in Spring green-up can be tolerated.

Bentgrass Turf (Other Than Golf Course Greens and Tees): On closely mowed Bentgrass, apply this product at a maximum rate of 2-1/2 pints per acre (0.9 fluid ounces in 3 gallons of water per 1,000 square feet) in May or mid-August through September when weeds are actively growing. Exercise care when applying to avoid overdosing Bentgrass, or turf injury may result. Slight turf yellowing should disappear after about 1 week.

Bentgrass Turf (Putting and Bowling Greens): On closely mowed Bentgrass, apply this product at a maximum rate of 1 fluid ounce in 5 gallons of water per 1,500 square feet - preferably in May or mid-August through September. Slight turf yellowing will disappear after about one week.

NOTE: Care should be taken to avoid overdosing Bentgrass, St. Augustine, and Centipede grasses or injury may result. Large volumes of spray water will aid in obtaining uniform coverage. If hand-type sprayers are used, it is preferable to use a single nozzle sprayer rather than a multiple nozzle boom as sideways application with a boom where the spray from more than one nozzle is allowed to fall on the same area will result in heavy local over-application and subsequent turf discoloration or injury.

Herbi™ Controlled Droplet Applicator: For Cool Season Grasses - Add 1-2/3 to 2-1/2 pints of this product to the 5 pint Herbi bottle, then fill with water to make 5 pints of mixture or substitute 1/2 pint of a surfactant for water while agitating the solution, per 1 acre treatment.

For Listed Warm Season Grasses - Apply 1-1/4 to 1 -2/3 pints of this product, then add water to make total of 5 pints of mixture. While walking at approximately 1 pace (3 feet) per second, spray entire contents over 33,000 square feet (3/4 of an acre). Do not overlap (double coverage) at edge of spray patterns. Reduced rates (use 1/2 of rate shown above) of this product must be applied when grass is stressed from heat, drought, etc.

Controlled Droplet Applicators - (CDA), Atomizers, and Spinning Disk Applicators: For Cool Season Grasses this product at the rate of 2-1/2 to 3-1/2 pints per acre (0.9 to 1.25 fluid ounces per 1,000 square feet) in sufficient water to assure coverage (1 to 4 gallons of water per acre is normal for this type of equipment).

For Listed Warm Season Grasses - Use 2 to 3 pints of this product per acre (0.7 to 1.1 fluid ounces per 1,000 square feet) in sufficient water to assure coverage (1 to 4 gallons of water per acre is normal for this type of equipment).

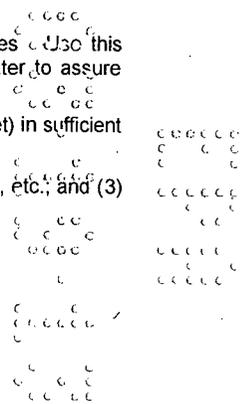
NOTE: For all grasses (1) Do not overlap spray patterns; (2) Use reduced rates if grass is stressed from heat, drought, etc.; and (3) Follow CDA equipment spray instructions.

RESTRICTIONS AND LIMITATIONS FOR USE ON TURF

Do not apply more than 3.87 pints of this product (1.5 lbs MCPA ae) per acre per year.

Do not apply more than 2 applications per year.

The minimum retreatment interval of 30 days.



8/9

OTHER NON-CROP AREAS

(fencerows, hedgerows, roadsides (including aprons and guard rails), ditches, rights-of-way, utility, pipelines, powerlines, railroads, airports, commercial plants, storage and lumber yards, barrier strips and firebreaks, equipment areas, nurseries and ornamental plantings, fuel tank farms, pumping stations and other industrial sites)

Other Non-Crop Areas: For the control of broadleaf weeds, mix at a rate of 1/4 gallon to 3 pints of this product per 50 to 300 gallons of water. This mixture will cover 43,500 square feet. Thoroughly saturate all weeds with spray mixture. Apply any time between the time when plants come into full leaf (Spring) to when the plants begin to go dormant. Best results are obtained when weeds are young and actively growing. Do not cut weeds until herbicide has translocated throughout the plant causing root death. For small broadleaf weeds, use the lower rate.



For Suppression of Woody Plants: Apply to both stems and foliage any time from the time foliage is completely matured until the time plants start to go dormant. All leaves, stems and suckers must be completely wet to the ground line for effective control. Regrowth may be anticipated on the more resistant species. Add 3 pints of this product to 100 gallons of water applying 200 to 600 gallons of spray mixture per 43,500 square feet depending upon the height and thickness of the brush. Mix thoroughly before spraying.

RESTRICTIONS AND LIMITATIONS FOR USE ON TURF

Do not apply more than 3.87 pints of this product (1.5 lbs MCPA ae) per acre per year.

Do not apply more than 2 applications per year.

The minimum retreatment interval of 30 days.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.

PESTICIDE STORAGE: Always store pesticides in a secured warehouse or storage building. Store at temperatures above 32°F. If allowed to freeze, remix before using. This does not alter this product. Containers should be opened in well ventilated areas. Keep container tightly sealed when not in use. Do not stack cardboard cases more than two pallets high. Do not store near open containers of fertilizer, seed, or other pesticide.

PRODUCT DISPOSAL: Pesticide wastes are acutely hazardous. If container is damaged or if pesticide has leaked, contain all spillage. Absorb and clean up all spilled material with granules or sand. Place in a closed labeled container for proper disposal. Improper disposal of excess pesticide, spray mixtures, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL: Nonrefillable Containers 5 Gallons or Less: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available. Triple rinse container (or equivalent) promptly after emptying. **Triple rinse as follows:** Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by State and local authorities. Plastic containers are also disposable by incineration, or, if allowed by State and local authorities, by burning. If burned stay out of smoke.

Nonrefillable containers larger than 5 gallons: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available. If recycling or reconditioning not available, puncture and dispose of in a sanitary landfill, or by other procedures approved by State and local authorities. Plastic containers are also disposable by incineration, or, if allowed by State and local authorities, by burning. If burned stay out of smoke. **Triple rinse or pressure rinse container (or equivalent) promptly after emptying. Triple rinse as follows:** Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. **Pressure rinse as follows:** Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 psi for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

OR

Refillable containers larger than 5 gallons: Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or a mix tank. Fill the container about 10% full with water. Agitate vigorously or recirculate water with the pump for two minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times.

OR

Refillable Container: Refill this container with pesticide only. Do not reuse this container for any other purpose. Close all openings and replace all caps. Contact Nufarm's Customer Service Department at 1-800-345-3330 to arrange for return of the empty refillable container.

